

**Renovation Repair and Paint Rule Inspection Report
EPA Region 2
Division of Enforcement and Compliance Assistance (DECA)
Pesticides and Toxic Substances Branch (PTSB), Lead Team**

I. Facility: Thomas R. Stachecki General Contracting LLC.
190 David White Lane
Southampton, New York 11968

Person(s) Contacted: Thomas R. Stachecki, Owner
(631) 283-1426

Property Address and Owner: 63 Armande Street
Southampton, New York 11968
Dr. David and Mrs. Claire Felix
(212) 744-0482

II. Date of Inspection: July 19, 2010

III. EPA Inspectors: Aarti Reddy: Chemical/Environmental Engineer
Meghan Tierney: Physical Scientist

IV. Purpose of Inspection:

This TSCA inspection was conducted to inspect, document and verify compliance with the Renovation, Repair and Paint (RRP) Rule codified at 40 C.F.R. 745. This inspection was a "for cause" inspection.

V. Pre-Inspection Activities and Inspection Interview:

Background:

We received a call from Mrs. Claire Felix on July 16, 2010 stating that Mr. Thomas Stachecki, a general contractor, had performed work on her 1954 home (63 Armande Street, Southampton, NY 11968)) from September 2009 to mid May of 2010 and that he was not in compliance with the RRP regulations.

Mrs. Felix had previously called EPA on our about June 28, 2010 wanting a list of certified evaluation firms, which was electronically mailed to her. Mrs. Felix called EPA on July 16, 2010 and a tip and complaint form was filled out. (Attachment 1). Mrs. Felix stated that the house was built in 1954 and was bought as a vacation property and was undergoing renovations by Mr. Stachecki. She stated that Mr. Stachecki did not follow RRP work-safe practices and that debris and nails were strewn all over her property and in the house. She also followed up with pictures and documentation (Attachment 1A).

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Thomas R. Stachecki

Inspection:

We arrived at the site at approximately 2:20 pm on July 19, 2010 and noticed that the property was a private, non-occupied home. No large construction debris was found on the property and renovation work was not going on. We did find paint chips near the drip line of the house. We took pictures of the house and the paint chips. (Attachment 2).

We contacted Mr. Stachecki via phone and asked him to meet us at the property. Mr. Stachecki arrived shortly. After showing Mr. Stachecki our credentials, we explained and provided the Notice of Inspection (NOI) and the TSCA Inspection Confidentiality Notice to Mr. Stachecki which he signed. (Attachment 3)

We filled out an Inspection Checklist (Attachment 4). Mr. Stachecki's responses are summarized below:

Question	Mr. Stachecki' Response (in black) and Inspectors observation (in red)
Did the RRP project disturb painted surfaces in a residence built before 1978 or a COF?	Yes
Do children currently live in the residence?	No
Type of Housing	Private
Type of Renovation conducted	Exterior – On or about September 2009 – Shingle removal/trim work Interior – On or about May 2010 -Window replacement/Staircase
Is the work area contained?	No work was being conducted at the time of the inspection
Did the renovator disturb more than 6 square feet of interior painted surface?	Yes, window replacement. Mr. Stachecki said that he tested the paint and it was lead free.
Did the renovator disturb more than 20 square feet of exterior painted surface? - are work area's covered in plastic - ground covered in plastic	Yes, Mr. Stachecki said that he tested the paint and it was lead free. No plastic was used to cover the ground.
Is the firm certified? Is the renovator EPA-trained?	Mr. Stachecki is unclear if he has both a renovator and/or firm license. He stated that he has a renovator's license.
Was the renovation work conducted using lead-safe work practices?	Mr. Stachecki stated that he cleaned the interior with a cleaning solution 2 times. No plastic was used on the exterior.
Were any prohibited practices used in the renovation?	Work on the exterior siding was done prior to April 22, 2010 according to Mr. Stachecki. Windows and trim were taken out in May 2010.
Waste Removal and Cleanup?	Mr. Stachecki stated that he cleaned the interior with a cleaning solution 2 times and cleaned the exterior.
Notification Requirements	Mr. Stachecki did not provide a pre-renovation notification to Mrs. Felix. He stated that the exterior paint was lead free as he tested it and that the window trim on the interior was unpainted.
Is the renovation work on-going?	No, Mr. Stachecki stated that he had finished all work on the property.

VI. Review of Available Documents:

We asked if Mr. Stachecki whether he had a lead renovator and RRP firm license. Mr. Stachecki said that he did have a renovator license but he did not have a copy with him. He could not recall the name of the training provider. We asked if he had a firm RRP license, he was unclear whether he had a firm license. Mr. Stachecki did not have any paperwork (lead testing documentation, Renovator license, Renovator Firm license) with him.

VII. Closing Conference:

Mr. Stachecki is aware of RRP regulations; we informed Mr. Stachecki that we would follow-up with an Information Request Letter to obtain missing documentation.

VIII. Post-Inspection Activities:

An Information request letter is being mailed to Mr. Stachecki. Also, a review of the information that Mrs. Felix mailed/emailed to EPA is summarized in Attachment 5.

Attachments:

1. Tip and complaint form (July 16, 2010)
- 1A. Correspondence from Mrs. Claire Felix to EPA (pictures, lead inspection report)
2. Pictures taken by EPA during inspection
3. EPA Notice of Inspection and TSCA Inspection Confidentiality Notice
4. Inspection Checklist
5. Summary of information submitted by Mrs. Claire Felix to EPA. July-August 2010



U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
TOXIC SUBSTANCES CONTROL ACT
TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION

DATE

INSPECTOR
NO.

DAILY SEQ. NO.

4. FACILITY NAME

Mr. Thomas R. Stachecki

2. INSPECTOR'S NAME

A. Reddy

5. ADDRESS

Thomas R. Stachecki General
Contracting LLC
190 David White Lane
Southampton, New York 11968

3. INSPECTOR'S ADDRESS

USEPA-Region 2
2890 Woodbridge Avenue
Lead Team - MS 225
Edison, NJ 08837

6. NAME OF CHIEF EXECUTIVE OFFICER

7. TITLE

For internal EPA use. Copies may be provided to recipient as acknowledgment of this notice.

TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR, Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA.

Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI.

A CBI claim may be asserted at any time prior to or during the inspection. If a CBI claim is received after the inspection, EPA will make such efforts as are administratively practicable to protect the information. However, EPA cannot assure that such efforts will be effective in light of the possibility of prior disclosure. If it is more convenient for you to assert a CBI claim on your own stationary or by making the individual documents or samples TSCA confidential business information, it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures.

While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures.

2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. The information is not publicly available elsewhere.
4. Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is CBI.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive CBI treatment.

The statement from the Chief Executive Officer should be addressed to:

Michael Bious, TSCA CBI Coordinator
USEPA-Region 2
2890 Woodbridge Avenue
Edison, NJ 08837

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made. If no confidentiality claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to the business.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE
I acknowledge receipt of this notice:

If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the



		company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.	
SIGNATURE		NAME	
NAME		TITLE	
TITLE	DATE SIGNED	ADDRESS	

Attachment 5:
Summary of Information Provided by Mrs. Felix via mail and email

Timeline of Renovation at 63 Armande Street, Southhampton, NY)

August 24, 2009 – Dr. and Mrs. David and Clair Felix purchased home.

September 2009 – Hire an architect to do drawings.

September 12 -26 2009 – Mr. Stachecki removes sidings, sidewalls, and dormer, repair/fill in nail holes, scrape shingle, prep for staining, clean trash. Mr. Stachecki paid \$2,365 on Sept. 26 when this job is done. (This is not part of the scope of work being prepared by the architect.) No tarp, no plastic etc used by Mr. Stachecki.

Sept. 22, 2009 – Mrs. Felix receives a call from Corcoran Real Estate asking them to sign a lead disclosure form which was not given to them at the time of the closing.

October 31, 2009 – Received a contract from Thomas Stachecki with charges totaling \$43, 279 for scope of work as outlined in the architects drawings.

April 1, 2010 – Mrs. Felix pays Mr. Stachecki to install windows.

May 24, 2010 – Mrs. Felix pays Mr. Stachecki \$10,000. Mr. Stachecki states he has a Renovator license.

May 29, 2010 – Window installation continues. Mr. Stachecki leaves property a mess as per Mrs. Felix.

June 6-11, 2010 – Window installation continues.

June 13-28, 2010 – Window installation continues.

June 28, 2010- Mrs Felix contacts EPA for name of Lead Evaluation Firms

July 16, 2010 – Mrs. Felix files a tip and Complaint with EPa

July 19, 2010 – EPA conducts inspection.

July 30, 2010 – Lead Risk Assessment Survey conducted at property by Enviro-Test Incorporated.

August 9, 2010 – Mrs. Felix emails Risk Assessment Report of the Southampton property to EPA (John Gorman).

